

Remarks

Claims 1, 4-6 and 56-75 were pending on the April 19, 2010, notification date of the non-final Office Action. The Examiner rejected all pending claims. Claims 1, 60 and 68 are the independent claims. In reply, the Applicant has amended claims 1, 60 and 68, and added new claims 76-78. Reconsideration and further examination of the amended claims and the newly added claims is requested.

Support

Since support for the features of the newly added claims is found throughout the disclosure, including at least pages 9 to 12 and Figures 1 and 2 of the application, the Applicant submits that no new matter has been added.

Examiner Interview Summary

The Applicant thanks Examiner Worjloh for participating in the in-person interview held on July 7, 2010, in which David Jordan participated on behalf of the Applicant. A proposed independent claim that is similar to amended claim 1 was discussed, as were the references cited in the outstanding Action. No agreement was reached regarding patentability of the application.

The Applicant appreciates the further input provided by the Examiner, and has taken her comments into account by further refining the claims, as reflected in amended claim 1, above. The Applicant submits that the amended claims as well as the newly added claims clearly define subject matter that is patentable over the references of record, and invite the Examiner to discuss the claims further with the Applicant's representatives if the Examiner feels that would be helpful in advancing prosecution on the merits.

§ 112 Rejections

The Examiner rejected claims 1, 4-6, and 56-75 under 35 U.S.C. § 112, second paragraph. The Applicant has amended claims 1, 60, and 68 to address the issues raised by the Examiner, and ask that the Examiner remove her rejection of claims 1, 4-6, and 56-75 on this basis.

The Examiner rejected claims 1, 4-6, and 56-75 under 35 U.S.C. § 112, first paragraph. Specifically, the Examiner rejected claims 1, 60 and 68 citing the specification fails to provide support for “protecting the unprotected digital content by one or more processors and the digital content publication module, further comprising storing the protected digital content without providing the protected digital content to the digital rights manager’ and obtaining data that indicates that the rights label has been registered with the digital rights manager, from the digital rights manager”. The Applicant respectfully disagrees and points to page 18, lines 20-23 and page 19 lines 1-2 as providing support for these described features.

“The DCP module 68 also can control accesses to the protected digital content 22. Protecting can include storing the digital content 22 in the DCP system 18 instead of sending the content to another system such as the DRM system or the content distributor 28. As a result, the DCP system 18 maintains control over the digital content.”

In addition, page 19, lines 21-23 also provide additional support for these features.

“The XrML also can register the content 22 with the DRM system 24; however, the content is stored in the DCP system 18 and not in the DRM system.”

In providing the Examiner with the support in the specification for the feature identified by the Examiner, the Applicant has addressed the issues raised by the Examiner, and asks that the Examiner remove her rejection of claims 1, 4-6, and 56-75 on this basis.

§ 103 Rejections

Claims 1, 4-6, 56, 58, 60-64, 66, 68, 69-72 and 74 stand rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,226,618 (Downs) in view of U.S. Patent Publication No. 2009/0265278 (Wang). Claims 57, 59, 60, 65, 67, 73, and 75 stand rejected under 35 U.S.C. 103(a) over Downs in view of Wang, and further in view of U.S. Patent Publication No. 2002/0107809 (Biddle).

Claims 1, 60 and 68 have been amended to express in more clear and expansive form the features that distinguish the claimed inventions over the applied references. For instance, amended claim 1 discloses “[a] computer-implemented method implemented by a system that includes a content publisher, a digital content manager, a digital content publication server, a digital rights manager, and a content distributor.”

The Downs reference discloses a Secure Electronic Digital Content Distribution System that includes multiple components and steps used by users of the system to purchase, unlock and use Content.

“The Secure Electronic Digital Content Distribution System 100, consists of several components that are used by the different participants of the system. These participants include the Content Provider(s) 101, Electronic Digital Content Store(s) 103, End-User(s) via End-User Device(s) 109 and the Clearinghouse(s) 105. A high level system flow is used as an overview of the Secure Digital Content Electronic Distribution System 100. This flow outlined below tracks Content as it flows throughout the System 100. Additionally it outlines the steps used by the participants to conduct the transactions for the purchase, unlocking and use of the Content 113.” (column 16, lines 56-66)

However, the Downs reference does not specifically disclose the components of “a system that includes a content publisher, a digital content manager, a digital content publication server, a digital rights manager, and a content distributor.”

Additionally, for example, the Downs reference discloses the content provider preparing a “Content SC [Secure Container]” and providing the “Content SC” to a “Content Hosting Site(s) 111” where the Content SC includes encrypted metadata and content. Specifically,

“127 The encrypted Content 113 and metadata are then packed into a Content SC. At this point the processing on the Content 113 and metadata is complete.

128 the Metadata SC(s) is then sent to the Content Promotions Web Site 156 using the Content Disbursement Tool (not shown).

129 The Content Disbursement Tool sends the Content SC(s) to the Content Hosting Site(s) 111. The Content Hosting Site(s) can reside at the Content Provider(s) 101, the Clearinghouse(s) 105 or a special location dedicated for Content Hosting. [T]he URL for this site is part of the metadata that was added to the Metadata SC.”

The Downs reference does not disclose “protecting, by the digital content publication server, the unprotected digital content by one or more processors and the digital content publication module, further comprising storing the protected digital content in the digital content publication server without providing the protected digital content to the digital rights manager”. The Downs reference discloses the content provider providing a Content SC to a content hosting site (Content Hosting Site(s) 111 in FIG. 1D) that is different from the content provider (Content Provider(s) 101 in FIG. 1A).

The Downs reference does not teach or disclose the individual components of the amended claim 1 and the steps performed by the components recited by the amended claim 1.

The Wang and Biddle references do not remedy the deficiencies of the Downs reference. These cited references, whether taken alone or in combination, do not teach or suggest all the elements of the Applicant's amended independent claims. Accordingly, a *prima facie* case of obviousness has not been shown and therefore independent claims 1, 60 and 68 should be deemed patentable.

Conclusion

The additional claims in the application not separately addressed are each dependent on the independent claims, and are allowable over the applied references for at least the above reasons. Because each claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each claim on its own merits is respectfully requested.

By responding in the foregoing remarks only to particular positions taken by the examiner, the Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the Applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the Applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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